

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 3:17-cv-00733-GCM

SNEED PLLC,

Plaintiff,

v.

GEA, INC., LESLIE PAUL FARKAS,  
VALARIA DEVINE, and SSSV4  
LIMITED PARTNERSHIP,

Defendants.

CONSENT ORDER DISSOLVING  
ATTACHMENT AND GARNISHMENT  
ORDER AND NOTICE OF  
STIPULATION OF DISMISSAL WITH  
PREJUDICE

THIS case was commenced with this Court on December 22, 2017, upon the filing of the Notice of Removal from Mecklenburg County Superior Court, Case No. 17-CVS-21834 [Doc. 1]. On July 16, 2018, Plaintiff filed a Motion for Preliminary Relief, seeking an order of attachment and the issuance of a summons of garnishment pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and in accordance with Article 35 – Attachment of Chapter 1 of the North Carolina General Statutes on the grounds that Defendants were foreign residents or foreign entities [Doc. 21]. On October 2, 2018, the Honorable Graham C. Mullen entered an Order Granting Plaintiff's Motion for Preliminary Relief, which contained an order of attachment for the real property commonly referred to as 21 Hunting Country Trails, Tryon, NC 28782, which is more particularly described in that Deed of Trust dated March 7, 216, and recorded on even date with the Polk County Register of Deeds in Book 418 at Page 31, of the same; and for the issuance of a summons of garnishment [Doc. 27].

Subsequently, the Sheriff of Polk County attached the subject property. The parties have agreed upon terms that will settle this case, and those terms include, without limitation, the dissolution of the attachment and garnishment order contained in the Order Granting Plaintiff's Motion for Preliminary Relief [Doc. 27] and a stipulation of dismissal with prejudice of the lawsuit.

Upon dissolution of the Order Granting Plaintiff's Motion for Preliminary Relief and Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the parties to the above-captioned actions hereby stipulate that all claims are dismissed with prejudice. The parties further stipulate that each party shall bear their own costs and attorneys' fees.

THEREFORE, with the consent of the parties, IT IS ORDERED as follows:

1. That the Order Granting Plaintiff's Motion for Preliminary Relief [Doc. 27] shall have no further force and effect and as of the date of this Order the Order of Attachment and Issuance of a Summons of Garnishment, contained therein, are herein and hereby dissolved and have no further force and effect;
2. The Clerk of Court shall refund to Plaintiff, through counsel, Lacey Moore Duskin, Bell, Davis & Pitt, P.A., 227 West Trade Street, Suite 1800, Charlotte, NC 28202, the \$2,500 cash bond posted by Plaintiff in connection with the Order Granting Plaintiff's Motion for Preliminary Relief [Doc. 27]. Plaintiff is hereby released from its bond and any obligations to Defendants relating to the Order Granting Plaintiff's Motion for Preliminary Relief [Doc. 27];
3. That this matter is herein and hereby dismissed with prejudice; and

4. Each party shall bear their own costs and attorney's fees in connection with this case.

Signed: February 11, 2019



Graham C. Mullen  
United States District Judge



CONSENTED TO:

/s/ Lacey Moore Duskin

Jason B. James, N.C. State Bar No. 27910  
Derek M. Bast, N.C. State Bar No. 49069  
Lacey Moore Duskin, N.C. State Bar No. 30652  
BELL, DAVIS & PITT, P.A.  
227 West Trade Street, Suite 1800  
Charlotte, NC 28202  
Telephone: (704) 227-0400  
[ijames@belldavispitt.com](mailto:ijames@belldavispitt.com)  
[lduskin@belldavispitt.com](mailto:lduskin@belldavispitt.com)  
*Attorneys for Plaintiff*

/s/ Fenton T. Erwin

Fenton Tilson Erwin, Jr., N.C. State Bar No. 1357  
ERWIN BISHOP CAPITANO & MOSS, P.A.  
4321 Sharon Road  
Suite 350  
Charlotte, NC 28211  
Telephone: (704)716-1200  
[ferwin@ebclaw.com](mailto:ferwin@ebclaw.com)  
*Attorneys for Defendants*